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Filing date: **03/02/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217630
Party	Plaintiff Sturgis Motorcycle Rally, Inc.
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Date	03/02/2016
Attachments	2016-03-02 Hansen Motion to Reset [S0244].pdf(93721 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sturgis Motorcycle Rally, Inc.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91217630
v.	)	
	)	
Gary St. Martin Hansen,	)	
	)	
Applicant.	)	
	)	

**MOTION TO RESET PLAINTIFF’S TRIAL PERIOD**

Pursuant to Fed. R. Civ. P. 6(b) and TBMP § 509, Opposer, Sturgis Motorcycle Rally, Inc., moves to reset Plaintiff’s Trial Period to end 60 days after the later of: i) determination of the pending Motion to Suspend for Defendant to Retain Counsel; or ii) any period of suspension granted by the Board to allow Applicant to retain counsel. [Filing Nos. 20–24]. As good cause therefor, Opposer notes that Applicant’s refusal to sit for a testimonial deposition, coupled with his stated intent to retain counsel at the eleventh hour, has rendered Opposer unable to proceed with its case. [See Filing No. 22, p.2 (“Applicant contacted Counsel for Opposer, cancelling the deposition and informing counsel that Applicant intends to retain counsel.”)].

In support of its motion, Opposer states that on Monday, February 22, 2016, Counsel for Opposer conferred via phone with Applicant and reached agreement to take Applicant’s deposition in Johnson, Vermont on Monday, February 29, 2016. Then, in a complete reversal of position, on Tuesday, February 23, 2016, Applicant contacted counsel for Opposer, refusing to appear for the previously-agreed deposition and informing counsel that Applicant intended to retain counsel. That same day, Counsel for Opposer took the decision to file a motion to suspend to allow Applicant time to retain counsel, rather than seeking to compel his appearance by

subpoena. Three days later, on February 26, 2016, Applicant filed a response to Opposer's motion, in which he does not oppose or contest Opposer's motion.

The Board has not yet decided the pending Motion to Suspend, Opposer's testimony period is due to end tomorrow, and Opposer still has not been able to obtain the testimony of Applicant – who is the individual who applied for registration of the mark that Opposer is contesting, and whose testimony is thus critical to Opposer's claims. Given Mr. Hansen's pattern of behavior throughout the course of this Opposition, Opposer believes that even if Applicant retains counsel, he still will refuse to appear willingly for a testimony deposition, and Opposer would thus require sufficient time to issue a subpoena and potentially to enforce it. Opposer thus submits that good cause exists for the Board to reset Opposer's trial period to end at 60 days after the later of: i) the period granted to Applicant to retain counsel if the pending Motion to Suspend is *granted*; or ii) the pending Motion to Suspend is decided by the Board, if the motion is *denied*.

Respectfully submitted,

Dated: March 2, 2016

/Charles M. Landrum/  
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*Attorneys for Opposer, Sturgis  
Motorcycle Rally, Inc.*

### **CERTIFICATE OF FILING**

I hereby certify that on March 2, 2016, I filed this correspondence with the Trademark Trial and Appeal Board via electronic means, through the ESTTA system.

Dated: March 2, 2016

/Charles M. Landrum/  
*An Attorney for Opposer*

### **CERTIFICATE OF SERVICE**

The undersigned counsel of record hereby certifies that a copy of the foregoing *Motion to Reset Plaintiff's Trial Period* was served by placing a copy in U.S. Mail, postage prepaid, this 2<sup>nd</sup> day of March, 2016, and addressed to the following, with a courtesy copy via email:

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Charles Landrum  
*An Attorney for Opposer*